

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated January 5, 2007. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1 and 4-20 are pending in this application. Claims 1, 4 and 8 are independent claims.

In the Office Action, Claims 1, 5-7 and 9-12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,240,240 to Nagano ("Nagano") in view of U.S. Patent No. 5,307,173 to Yuen ("Yuen"). Claims 4, 8 and 13-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Nagano in view of U.S. Patent No. 5,187,589 to Kono ("Kono").

Nagano is cited for allegedly showing in FIGs. 15A-15B (emphasis added) "displaying programs or parts of programs overlapping in time as partially overlapping such that the length and position of an overlapping and overlapped bar still indicates the duration and time of transmission of the corresponding program" (See, Office Action, page 2, numbered paragraph 3, second paragraph, line 7 through page 3, line 2.) This position is respectfully refuted.

It is respectfully submitted that while Nagano may show programs that overlap in time (such as program A and program B in FIG. 15A), the programs are not displayed as partially overlapping such that the length and position of an overlapping and overlapped bar ... as required by the claims of the present application. In fact, the depicted bars in Nagano are displayed as non-overlapping portions. As should be readily appreciated, overlap requires "to extend over and cover a part of" (Webster's Third New International Dictionary of the English Language Unabridged, Merriam-Webster Inc, 1993.) Overlapping requires (emphasis added) "to position things in such a way that the edge of one thing is on top of and extending past the edge of another, or to be positioned in this way, such as "[t]he roofers overlapped the shingles." Encarta Dictionary, English, North America included with Microsoft Office, 2003.

Merely because the programs overlap in time, does not necessitate that the bars representing the programs be displayed as "overlapping and overlapped bar ..." as recited in the claims, and in fact, Nagano does not depict an overlapping and overlapped bar... as recited in the claims. As is clear from a review of FIGS. 15A, 15B, in Nagano the bars are not displayed as overlapping. Yuen and Kono are cited for allegedly showing other

features of the claims and as such, do nothing to cure the deficiencies in Nagano.

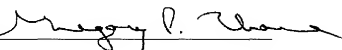
Accordingly, it is respectfully submitted that the method of Claim 1 is not anticipated or made obvious by the teachings of Nagano in view of Yuen. For example, Nagano in view of either Yuen or Kono does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "displaying programs or parts of programs overlapping in time as partially overlapping such that the length and position of an overlapping and overlapped bar still indicates the duration and time of transmission of the corresponding program" as required by Claim 1, and as substantially required by each of Claims 4 and 8.

Based on the foregoing, the Applicant respectfully submits that independent Claims 1, 4 and 8 are patentable over Nagano in view of either of Yuen or Kono and notice to this effect is earnestly solicited. Claims 5-7 and 9-20 respectively depend from one of Claims 1, 4 and 8 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398  
Attorney for Applicant(s)  
March 28, 2007

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101